

REMARKS

Applicant has amended claims 23, 27-37, 41-45, 49, and 50-52, and have cancelled claims 28-30, 32-36, 42-43, and 50-51, during prosecution of this patent application. Applicant is not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

New claims 53-55 are supported in the specification, Par. [075] on page 9.

New claims 56-58 are supported in the specification, Par. [059] on page 7.

New claims 59-61 are supported in the specification, Par. [047] on pages 5-6 .

New claims 62-64 are supported in the specification, Par. [047] on pages 5-6 and depicted in FIG. 2C .

The Examiner rejected claims 23, 37 and 45 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner rejected claims 23, 24, 26, 28, 29, 32, 33, 35-38, 40, 42, 43, 45, 46, 48, 50 and 51 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. WIPO Publication No. 02/063243) in view of O'Carroll (US Patent No. 6,714,794).

The Examiner rejected claims 23, 25, 39 and 47 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. (WIPO Publication No. 02/063243) as modified by

O'Carroll (US Patent No. 6,714,794) as applied to claim 23 above, and further in view of Bruce et al. (US Patent No. 6,539,080).

The Examiner rejected claims 30, 31, 44 and 52 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. (WIPO Publication No. 02/063243) as modified by O'Carroll (US Patent No. 6,714,794) as applied to claim 23 above, and further in view of Jones (US Patent No. 6,904,359).

The Examiner rejected claim 34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. (WIPO Publication No. 02/063243) as modified by O'Carroll (US Patent No. 6,714,794) as applied to claim 23 above, and further in view of Kamikawa et al. (JP 9218047).

The Examiner rejected claims 27, 41 and 49 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. (WIPO Publication No. 02/063243) as modified by O'Carroll (US Patent No. 6,714,794) as applied to claims 23, 37, and 45 above, and further in view of Ohler et al. (US Patent No. 6,314,367) and LeFebvre et al. (US Patent No. 5,612,882).

Applicant respectfully traverses the § 112 and § 103 rejections with the following arguments.

35 U.S.C. § 112, Second Paragraph: Claims 23, 37 and 45

The Examiner rejected claims 23, 37 and 45 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner argues: "The terms "first device" and "second device" indicate that these devices are distinct, however claims 24, 38, and 46 indicate that Applicant does not intend these devices to be distinct. These terms are made indefinite by the contradicting claims."

In response, Applicant has amended claims 23-25, 37-39, and 45-47 in recognition of the preceding argument by the Examiner which asserts that the first and the second devices are distinct.

Based on the preceding arguments, Applicant respectfully maintains that claims 23, 37 and 45 are not unpatentable under 35 U.S.C. § 112, second paragraph.

35 U.S.C. § 103(a): Claims 23, 24, 26, 28, 29, 32, 33, 35-38, 40, 42, 43, 45, 46, 48, 50 and 51

The Examiner rejected claims 23, 24, 26, 28, 29, 32, 33, 35-38, 40, 42, 43, 45, 46, 48, 50 and 51 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. WIPO Publication No. 02/063243) in view of O'Carroll (US Patent No. 6,714,794).

Since claims 28-29, 32-33, 35-36, 42-43, and 50-51 have been canceled, the rejection of claims 28-29, 32-33, 35-36, 42-43, and 50-51 under 35 U.S.C. § 103(a) is moot.

Applicant respectfully contends that claims 23, 37, and 45 are not unpatentable over Huckle in view of O'Carroll, because Huckle in view of O'Carroll does not teach or suggest each and every feature of claim 23.

An example of why claims 23, 37, and 45 are not unpatentable over Huckle in view of O'Carroll is that Huckle in view of O'Carroll does not teach or suggest the feature: "a service centre receiving a signal from a first device, said signal specifying a destination location, a receiving device selected from the group consisting of the first device and a second device, and a request for at least one route leading to the destination location such that the at least one route is to be sent to the receiving device".

The Examiner argues: "Huckle et al teaches: ... a service centre (the base unit of page 6, lines 1-5) receiving a signal from a first device (user device of page 2, lines 17-22), said signal specifying a destination location (location of page 5, line 10), a second device (user device of page 2, lines 17-22; The signal specifies that the requested information is to be returned to the user device. If this system is run over the internet, as in the drawings and page 2, lines 20-22, the packets will contain a source IP address indicating where the response packets are to be sent.),

and a request for at least one route leading to the destination location such that the at least one route is to be sent to the second device (page 5, lines 9-13)".

In response, Applicant acknowledges that Huckle discloses that the service centre receiving from a first device a signal specifying a destination location and a request for at least one route leading to the destination location.

However, Applicant respectfully contends the Huckle does not disclose the limitation of the signal specifying a receiving device such that the at least one route is to be sent to the receiving device.

Although the packet in the signal will contain a source IP address as the Examiner states, this source IP address merely identifies an address from which the packet was sent. Huckle does not disclose that the at least one route is to be sent to the source IP address appearing in the packet in the signal.

Although, Huckle discloses that at least one route is sent to the receiving device in response to the signal, Huckle does not disclose that the decision by the service center to send the at least one route to the receiving device is based on the source IP address of the packet in the signal. Huckle does not disclose how this decision is arrived at. Perhaps, this decision is arrived at based on the date and/or time at which the signal is received at the service center. Perhaps, this decision is based on other data in the packet (i.e., other than the source IP address), wherein this other data in the packet is fed into an algorithm at the service center that computes the address to which to send the at least one route. It is entirely speculative as to how this decision is arrived at and it is not legitimate to reject claims 23, 37, and 45 based on speculation.

Therefore, Huckle does not disclose the preceding feature of claims 23, 37, and 45.

Based on the preceding arguments, Applicant respectfully maintains that claims 23, 37, and 45 are not unpatentable over Huckle in view of O'Carroll, and that claims 23, 37, and 45 are in condition for allowance. Since claims 24 and 26 depend from claim 23, Applicant contends that claims 24 and 26 are likewise in condition for allowance. Since claims 38 and 40 depend from claim 37, Applicant contends that claims 38 and 40 are likewise in condition for allowance. Since claims 46 and 48 depend from claim 45, Applicant contends that claims 46 and 48 are likewise in condition for allowance.

In addition with respect to claims 26, 40, and 48, Huckle in view of O'Carroll does not disclose the feature: "wherein the signal specifies a starting location, wherein the at least one set of images comprises a plurality of sets of images, and wherein the unique route defined by each set of images leads to the destination location from the starting location".

The Examiner argues: "Huckle et al teaches ... **Re claim 26.** Wherein the at least one set of images comprises a plurality of sets of images (page 5, lines 9-13; each starting location has an associated set of images)."

In response, Applicant respectfully contends that Huckle, page 5, lines 9-13 discloses the unique route of multiple unique routes lead to the destination location *from different starting locations*. In contrast, the preceding feature of claims 26, 40, and 48 recites each unique route of multiple unique routes leading to the destination location *from the same starting location*.

Therefore, Huckle does not disclose the preceding feature of claims 26, 40, and 48.

Accordingly, claims 26, 40, and 48 are not unpatentable over Huckle in view of O'Carroll.

5 U.S.C. § 103(a): Claims 23, 25, 39 and 47

The Examiner rejected claims 23, 25, 39 and 47 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. (WIPO Publication No. 02/063243) as modified by O'Carroll (US Patent No. 6,714,794) as applied to claim 23 above, and further in view of Bruce et al. (US Patent No. 6,539,080).

Claim 23

Applicant respectfully contends that claim 23 is not unpatentable over Huckle in view of O'Carroll, and further in view of Bruce, because Huckle in view of O'Carroll, and further in view of Bruce does not teach or suggest each and every feature of claim 23.

For example, Huckle in view of O'Carroll, and further in view of Bruce does not teach or suggest the feature: “a service centre receiving a signal from a first device, said signal specifying a destination location, a receiving device selected from the group consisting of the first device and a second device, and a request for at least one route leading to the destination location such that the at least one route is to be sent to the receiving device”.

The Examiner argues: “Huckle et al teaches: ... a service centre (the base unit of page 6, lines 1-5) receiving a signal from a first device (user device of page 2, lines 17-22), said signal specifying a destination location (location of page 5, line 10), a second device (user device of page 2, lines 17-22; The signal specifies that the requested information is to be returned to the user device. If this system is run over the internet, as in the drawings and page 2, lines 20-22, the packets will contain a source IP address indicating where the response packets are to be sent.),

and a request for at least one route leading to the destination location such that the at least one route is to be sent to the second device (page 5, lines 9-13)".

In response, Applicant acknowledges that Huckle discloses that the service centre receiving from a first device a signal specifying a destination location and a request for at least one route leading to the destination location.

However, Applicant respectfully contends the Huckle does not disclose the limitation of the signal specifying a receiving device such that the at least one route is to be sent to the receiving device.

Although the packet in the signal will contain a source IP address as the Examiner states, this source IP address merely identifies an address from which the packet was sent. Huckle does not disclose that the at least one route is to be sent to the source IP address appearing in the packet in the signal.

Although, Huckle discloses that at least one route is sent to the receiving device in response to the signal, Huckle does not disclose that the decision by the service center to send the at least one route to the receiving device is based on the source IP address of the packet in the signal. Huckle does not disclose how this decision is arrived at. Perhaps, this decision is arrived at based on the date and/or time at which the signal is received at the service center. Perhaps, this decision is based on other data in the packet (i.e., other than the source IP address), wherein this other data in the packet is fed into an algorithm at the service center that computes the address to which to send the at least one route. It is entirely speculative as to how this decision is arrived at and it is not legitimate to reject claims 23, 37, and 45 based on speculation.

Therefore, Huckle does not disclose the preceding feature of claim 23.

Based on the preceding arguments, Applicant respectfully maintains that claim 23 is not unpatentable over Huckle in view of O'Carroll, and further in view of Bruce, and that claims 23, 37, and 45 are in condition for allowance.

Claims 25, 39, and 47

Since claims 25, 35 and 47 respectively depend from claims 23, 37, and 45 which Applicant has argued *supra* to not be unpatentable over Huckle as modified by O'Carroll under 35 U.S.C. §103(a), Applicant maintains that claims 25, 35 and 47 are likewise not unpatentable Huckle as modified by O'Carroll, and further in view of Bruce under 35 U.S.C. §103(a).

In addition, claims 25, 35 and 47 do not disclose the feature: "a service centre receiving a signal from a first device, said signal specifying a destination location, a receiving device ..., and a request for at least one route leading to the destination location such that the at least one route is to be sent to the receiving device; and in response to said receiving the signal from the first device, said service centre sending at least one set of images to the receiving device ... , wherein the receiving device specified in the signal is the second device".

The Examiner argues: "Bruce et al teaches, at the abstract and Figure 3, an operator console (first device) which sends a signal to a system (service centre) requesting a route to a destination be sent to an audio box (second device) so that users may receive navigation assistance without an internet connection (column 1, lines 28-30)... In view of Bruce et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method for providing navigational instructions as taught by Huckle et al as modified by O'Carroll, (**re claims 23, 25, 39, and 47**) the first and second devices are

different devices; since Bruce et al teaches that such a system may provide access to navigation instructions with limited connectivity and minimal phone functionality.”

In response, Applicant respectfully contends that the preceding feature of claims 25, 35 and 47 requires that the service centre sending the at least one set of images to the receiving device which Bruce does not disclose. Instead, Bruce’s abstract (relied upon by the Examiner) discloses that the claimed receiving box is an audio box and that audio driving instructions leading to the destination location are sent to the audio box. Applicant respectfully contends that audio driving instructions leading to the destination location differ from the at least one set of images defining a unique route to the destination location, because because the audio driving instructions are expressed *acoustically* in contrast with the at least one set of images which are expressed *visually*.

Therefore, Bruce does not disclose the preceding feature of claims 25, 35 and 47.

Accordingly, claims 25, 35 and 47 are not unpatentable over Huckle as modified by O’Carroll, and further in view of Bruce .

35 U.S.C. § 103(a): Claims 30, 31, 44 and 52

The Examiner rejected claims 30, 31, 44 and 52 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. (WIPO Publication No. 02/063243) as modified by O'Carroll (US Patent No. 6,714,794) as applied to claim 23 above, and further in view of Jones (US Patent No. 6,904,359).

Since claim 30 has been cancelled, the rejection of claim 34 under 35 U.S.C. § 103(a) is moot.

Since claims 31, 44 and 52 respectively depend from claims 23, 23, 37, and 45 which Applicant has argued *supra* to not be unpatentable over Huckle as modified by O'Carroll under 35 U.S.C. § 103(a), Applicant maintains that claims 31, 44 and 52 are likewise not unpatentable Huckle as modified by O'Carroll, and further in view of Jones under 35 U.S.C. § 103(a).

In addition, claims 31, 44 and 52 do not disclose the feature: “wherein each set of images comprises a furthest image that is furthest from the destination location, and wherein the furthest images of the plurality of sets of images collectively form on a ring of images surrounding the destination location, and wherein the ring of images is shaped as a circle whose center is at the destination location”.

The Examiner argues: “Jones teaches, at Figure 28, illustrating locations surrounding a destination on a circle to indicate that these locations are all the same distance or time away from the destination...”

In response, Applicant asserts that Jones, FIG. 28 depicts *a set of locations* 341a - 341f distributed on a circle whose center is at the destination location 331a. In contrast, 31, 44 and 52

recite *a set of images* distributed on a circle whose center is at the destination location.

Applicants respectfully contend that a set of locations is not a set of images.

Therefore, Jones does not disclose the preceding feature of claims 31, 44 and 52.

In addition, Applicant respectfully contend that the Examiner's reason for modifying Huckle by images being distributed on a circle is not persuasive.

The Examiner argues: "In view of Jones' teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method for providing navigational instructions as taught by Huckle et al as modified by O'Carroll, **(re claims 30, 44, and 52)** wherein the furthest images of the plurality of sets of images collectively form on a ring of images surrounding the destination location; **(re claim 31)** wherein the ring of images is shaped as a circle whose center is at the destination location; since Jones teaches illustrating locations surrounding a destination on a circle to indicate to a user that the locations are all the same time or distance from a destination, thus giving the user a better sense of where the destination and the surrounding locations are in relation to each other."

In response, Applicant respectfully contend that the alleged benefit of modifying Huckle ("locations surrounding a destination on a circle ... indicate to a user that the locations are all the same time or distance from a destination, thus giving the user a better sense of where the destination and the surrounding locations are in relation to each other") is not relevant to Huckle, because the essence of Huckle's invention is to display to the user routes to the destination which is not improved in any manner by distributing locations on a circle.

Accordingly, claims 31, 44 and 52 are not unpatentable over Huckle as modified by O'Carroll, and further in view of Jones.

35 U.S.C. § 103(a): Claim 34

The Examiner rejected claim 34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. (WIPO Publication No. 02/063243) as modified by O'Carroll (US Patent No. 6,714,794) as applied to claim 23 above, and further in view of Kamikawa et al. (JP 9218047).
cancel claims 28-29, 31-36, 42-43, and 50-51

Since claim 34 has been canceled, the rejection of claim 34 under 35 U.S.C. § 103(a) is moot.

35 U.S.C. § 103(a): Claims 27, 41 and 49

The Examiner rejected claims 27, 41 and 49 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. (WIPO Publication No. 02/063243) as modified by O'Carroll (US Patent No. 6,714,794) as applied to claims 23, 37, and 45 above, and further in view of Ohler et al. (US Patent No. 6,314,367) and LeFebvre et al. (US Patent No. 5,612,882).

Since claims 27, 41 and 49 respectively depend from claims 23, 37, and 45 which Applicant has argued *supra* to not be unpatentable over Huckle as modified by O'Carroll under 35 U.S.C. §103(a), Applicant maintains that claims 27, 41 and 49 are likewise not unpatentable Huckle as modified by O'Carroll, and further in view of Ohler and LeFebvre under 35 U.S.C. §103(a).

In addition with respect to claims 27, 41 and 49, Huckle in view of O'Carroll and further in view of Ohler does not disclose the feature: "said service center receiving a vote on a usefulness of each received image in the at least one set of images".

The Examiner argues: "Huckle et al as modified by O'Carroll and Ohler et al fails to specifically teach: **(re claims 27, 41, and 49)** said service centre receiving a vote on a usefulness of **each** received image in the at least one set of images... LeFebvre et al teaches, at column 5, lines 13-29, obtaining user feedback on each direction the user receives in order to improve the navigation system."

In response, Applicant respectfully contend that LeFebvre, col. 5, lines 13-29 does not disclose the preceding feature of claims 27, 41 and 49 to constitute an obvious suggestion for modifying Huckle.

LeFebvre, col. 5, lines 13-29 discloses receiving a vote on usefulness of different values of a variable, the variable being the timing of an instruction to direct a driver to turn a moving vehicle by a specified angle. The purpose of the voting is to select one timing value that is determined from the voting to be adequate for the specified angle (LeFebvre, col. 5, lines 20-23). The process of LeFebvre, col. 5, lines 13-29 is performed for several different specified angles.

In contrast, the preceding feature of claims 27, 41 and 49 requires voting on a usefulness of each received image, and LeFebvre, col. 5, lines 13-29 does not disclose anything relating to images and their usefulness. The disclosure of a vote on the adequacy of the timing of an instruction to turn a moving vehicle by a specified angle is unrelated to a vote on the usefulness of a received image.

In “Response to Arguments”, the Examiner argues: “However voting on a usefulness of received images is taught by Huckle as modified by O’Carroll and Ohler as discussed above. These received images are the navigation instructions. LeFebvre is used to teach that a vote is received for **each** direction received from the system in order to improve the navigation system.”

In response, Applicant asserts that an image is a *static visual communication* of an environment, whereas an instruction to turn a moving vehicle by as specified angle turn a moving vehicle by a specified angle is a *continuously flowing acoustic communication* (e.g., via a cell phone - LeFebvre, col. 2, lines 55-56).

Therefore, LeFebvre does not disclose the preceding feature of claims 27, 41 and 49.

Accordingly, claims 27, 41 and 49 are not unpatentable over Huckle as modified by O’Carroll, and further in view of Ohler and LeFebvre.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM). The Attorney's reference number for this case is END-8194.

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